

PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, Washington, DC 20231.

1-15-03
Date

Laura C. Shockey
Laura C. Shockey

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 04 2003

Technology Center 2600

Applicants : Bhusan Gupta et al.
Application No. : 09/475,686
Filed : December 30, 1999
For : COMMAND INTERFACE USING FINGERPRINT
SENSOR INPUT SYSTEM

Examiner : Van T. Trieu
Art Unit : 2632
Docket No. : 99-B-156 (850063.571)
Date : January 15, 2003

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JAN 24 2003

OFFICE OF PETITIONS

Attention: Office of Petitions
Commissioner for Patents
Box DAC
Washington, DC 20231

PETITION TO REVIVE

Dear Sir:

Petition is hereby made to revive the application Serial No. 09/475,686 based on the Notice of Abandonment being improperly sent by the U.S. Patent and Trademark Office. It is believed that no fee is due because the error is believed based on the U.S. Patent and Trademark Office incorrectly sending the Notice of Abandonment.

A first Office Action was mailed in this case on June 4, 2002. Applicants mailed a timely reply to this Office Action on December 4, 2002, with a three-month extension of time. The response was therefore timely.

On December 2, two days short of the six-month date, a Notice of Abandonment was sent by the Patent Office. Since the time period for response had not yet terminated, the Notice of Abandonment was sent prematurely and should not have been sent. In addition, applicants timely responded. Applicants therefore petition the U.S. Patent and Trademark Office

to indicate that the file did not at any time go abandoned. Further, in the event the application is determined to have gone abandoned, applicants request that the application be revived.

Reply was properly filed, enclosed herewith is a copy of the Amendment as filed, with the certificate of mailing. It can be seen that the certificate of mailing is signed by Laura Shockey and bares a date of December 4, 2002. This is thus evidence that the Amendment was timely filed and submitted on December 4, 2002.

As second evidence that the Amendment was timely filed, enclosed is a photocopy of the return postcard. This postcard has the serial number of the present application typed thereon, together with a statement that is enclosed with a copy of the Amendment, which corresponds to the Amendment, which is enclosed herewith. This return receipt postcard bares the stamp of the United States Patent Office as having been received on December 9, 2002. It thus appears that there was approximately five (5) days transit time. While this is longer than would be expected of the U.S. Postal Service, this was between Thanksgiving and Christmas and therefore there were likely unusually large volumes of mail, which may have caused the U.S. Postal Service what appears to be two days slower than normal. However, it is clear that the response to the Office Action was timely filed by the enclosed two evidentiary documents. It is also clear that the Notice of Abandonment was mailed prior to the actual due date for the Reply.

Since the Notice of Abandonment was improperly sent and the application, in fact, did not ever go abandoned, it is believed that no fee is necessary for this petition and that no fee is necessary for the revival of the application. In the event the Patent Office determines that a fee is necessary, applicants request that the appropriate fees in order to accept this petition to revive the application be taken from applicants' Deposit Account No. 19-1090.

Respectfully submitted,

Bhusan Gupta et al.

SEED Intellectual Property Law Group PLLC



David V. Carlson

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Enclosure:

Postcard

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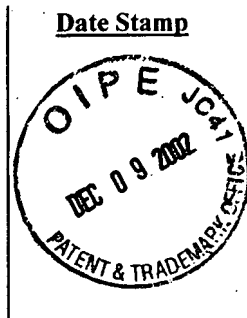
SENT: December 4, 2002
DUE: December 4, 2002

Kindly acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing:

Check; PTO/SB/21; PTO/SB/17 (+copy); PTO/SB/22; and Amendment; in re: Bhusan Gupta et al., USAN 09/475,686, filed December 30, 1999, for COMMAND INTERFACE USING FINGERPRINT SENSOR INPUT SYSTEM.

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